

### REMARKS

The Examiner, in the Official Action, rejected claims 1-5 and 13-15 under 35 USC § 103(a) as being unpatentable over Wang et al. (US 6,028,603) in view of Toga (US 5,987,504) for the reasons set forth therein. The present invention of claim 1 is directed to a system for displaying an image on a remote color display device that receives images over a communication network via a modem. Claim 1 includes a computer having a first modem that is located in a location different than the remote color display device that also has a modem for communication to a network. Claim 1 further includes providing means for allowing selection of images from the database to be forwarded to the remote color display without any user intervention. Claim 1 has been amended to indicate that the display device, upon receipt of said image, is capable of controlling display of the image without further user intervention. That is, once the images are forwarded to the display device, no further action is necessary in order for the display device to display the images. An important aspect of the present invention is that there is no intervention by the user with respect to the images that are to be received over the communication network for display on the remote display device. Thus, individuals or third parties may send images to the remote display device wherein the images will be automatically displayed in accordance with preprogrammed user program controls inputted by the user as to how images should be displayed. See page 6 lines 23-31 of the instant application. The user in this situation may provide in advance how the images are to be displayed, however, no further action is needed by the user when images are received for display on the display device.

The Wang et al. reference is directed to a method and apparatus for presenting a collection of digital images in a media container, for example, an album of images. The album can comprise a plurality of pages. The Wang et al. reference simply teaches that a plurality of pages may be provided wherein each page has at least one location for presenting a digital media. The Wang reference clearly does not teach or suggest the pushing of digital images on a remote color display device as taught and claimed by Applicant. In the present invention the remote color display device will automatically display the images upon receipt in accordance with any preprogrammed instructions. There is no teaching or

suggestion in Wang et al. that a receiving display device will automatically display the images upon receipt. Furthermore, independent claim 1 specifically provides means for selection of images from a database to be forwarded to the remote color display for display on the remote device. Applicant respectfully submits there is no teaching or suggestion in Wang et al. of selecting images from a database that are to be forwarded to a remote device for automatic display thereon as taught and claimed by Applicant. Thus, it is clear that the Wang reference fails to teach or disclose the invention as claimed by Applicant.

The Examiner has cited a new reference to Toga as disclosing a remote color display device with a second modem and a controller wherein the display device, upon receipt of the image, is capable of controlling the display. Applicant respectfully submits that the Toga reference does not teach or suggest anything that would render Applicant's invention obvious in view of the Wang et al. reference. First, Applicant respectfully submits that in order to combine references, there must be some teaching, suggestion or motivation to make the combinations suggested by the Examiner. The CAFC in *In re Lee* 277 Fed 3<sup>rd</sup> 1338 (61 USPQ 2<sup>nd</sup> 1430) 2002 at page 1433 states:

"When patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness."

Applicant respectfully submits that there is no teaching, suggestion or motivation to combine the references. Further, even if the references were combined, they do not teach or suggest the invention as taught and claimed by Applicant.

The Toga et al. reference is directed to a system with regard to transferring of information between a server 20 and client 10. The Toga reference is directed to transmitting information between a server 20 and client 10 that can be referred to as a series of request-response interactions. See column 1 lines 41-45. In order to reduce the amount of time necessary for transmission when network lines are overloaded, the Toga reference provides a means for forwarding the information to a third party or storage location. In particular, when sending to a storage location or second client 60, this is done through the use of e-mail over the internet. See column 4 lines 58-60, and column 3 lines 3-5. The Wang et al.

reference is directed to a method and apparatus for presenting a collection of digital media in a media container whereas the Toga reference is directed to obtaining information from a server in a manner so as to avoid peak transmission problems. There would be no motivation to combine Wang et al. with Toga. The two are directed to two totally different issues that are solved by two totally different techniques. In the Wang et al. reference they are providing specific layouts of the page for an album whereas the Toga reference is directed to obtaining access to the material from a server in the most efficient and economical manner.

Further, even if the two were combined, the Toga reference still fails to teach or suggest the controlling display of the image without further intervention by the user. Since e-mails are being forwarded in the Toga reference, this necessarily requires intervention by the user in order to view the appropriate e-mail for display. This is in contrast to the present invention where the image will automatically be displayed. Further, the Toga et al. reference does not teach or suggest going to a database where images are selected and forwarded to the remote location.

Applicant respectfully submits that the cited references fail to teach or suggest the invention as taught and claimed by Applicant. Independent claim 2 is distinguishable for the same reasons discussed with respect to independent claim 1 as claim 2 also is directed to a system for image display to a remote color display device wherein the remote color display device, upon receipt of the image, is capable of controlling display of the image without further intervention by the user.

Claim 13, the last independent claim, also includes this limitation and is distinguishable from claim 1 in that instead of a computer there is provided first and second remote color display devices wherein images are being forwarded from the first remote color display device to the second remote color display device. Claim 13 is also patentably distinct for the same reasons previously discussed.

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In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



Attorney for Applicant(s)  
Registration No. 27,370

Frank Pincelli/phw  
Rochester, NY 14650  
Telephone: 585-588-2728  
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

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